

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Office Action mailed October 5, 2004. At that time claims 1-21 were pending in the application. In the Office Action, the Examiner rejected claims 1-21 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 6,073,851 to Olmstead et al. (hereinafter "Olmstead").

By this amendment claims 1 and 8 have been amended to recite that the first and second lenses provide a first and second magnification, respectively, wherein "the first magnification is greater than the second magnification." Support for this amendment may be found in Applicants' specification on at least page 7, paragraph 42 to page 8, paragraph 43.

Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

A. Rejection of Claims 1-21 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-21 under 35 U.S.C. § 102(b) as being anticipated by Olmstead. *See* Office Action, page 2. This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (Aug. 2001) (quoting Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Id.* (quoting Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Claims 1-21 recite a first lens forming a first image with a first magnification and a second lens forming a second image with a second magnification, where the first magnification is greater than the second magnification. Olmstead does not anticipate these claims because it does not teach this combination of elements.

The Examiner argues that Olmstead “teaches a first magnification and a second magnification and wherein the second magnification power [also known as the object-to-image ratio] oriented by the second lens 1104 is lower than the first magnification power (col. 21, lines 32-35).” Even though the magnification of the two lenses 1102 and 1104 (of Figure 53) will be different because of the different distance each is located from the detector 1100, the combination of lenses do not produce a first image and a second image on different regions of the image sensor (or on different image sensors). The combination of lenses 1102, 1104 in Figure 53 of Olmstead produce a single image on a single location of the detector 110. Therefore, this arrangement of lenses of Olmstead does not anticipate claims 1-21 on this basis.

Furthermore, Olmstead teaches the opposite of the claimed invention that the first magnification is greater than the second magnification, as claimed in claims 1-21. Olmstead teaches that the horizontally oriented lens 1104 is further away from the detector 1100 than the vertically oriented lens 1102. However the horizontally oriented lens 1104 has a lower magnification than the vertically oriented lens 1102. See Olmstead, col. 21, lines 32-35. The claimed invention, however, teaches a first lens at a greater distance from the image sensor than the second lens, but the first magnification is greater than the second magnification. Consequently, Olmstead does not anticipate claims 1-21.

The Examiner also claims that Olmstead teaches lenses 1102 and 1104 (Figure 53) form a first and second image on a first and second region 1215 and 1216 (Figures 60A-C) of the detector. However, the use of the beam splitter 1202 of Figure 60A-C does not produce two images at two different magnifications as required by the present claims. Instead, Figures 60A-60F show how two versions of the same image at the same magnification and the same field of view can be created and rotated at 90° with respect to each other. See Olmstead, col. 34, lines 17-18. Furthermore, the Examiner does not show or establish that Olmstead teaches how the arrangement of a beam splitter (1202) in Figures 60A-F is used with the arrangement of lenses 1102 and 1104 of Figure 53.

The arrangement of lenses and detector of Figure 53 of Olmstead does not form a first and second image because the two lenses 1102 and 1104 are aligned “along one axis only” and produce a

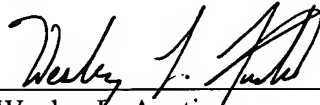
single image on the detector 1100. *See* Olmstead, col. 21, line 32. Furthermore, the arrangement of lenses 1102 and 1104 does not focus images on a first and second region (or separate image sensors) – only one region of the detector of Figure 53 receives an image.

The Examiner also argues that claims 2, 9, 16, and 20 are taught by Olmstead. *See* Office Action, page 3. These claims recite that the first lens is substantially identical to the second lens. Even using the Examiner's interpretation of Olmstead, this element is not taught and, consequently, is not anticipated. The portion of the specification cited by the Examiner teaches "a first aspheric cylinder lens 1102" and "a second aspheric cylinder lens 1104." *See* Olmstead, col. 21, lines 27-29. Other than the fact that both lenses are aspheric cylinder lenses, Olmstead does not teach that they are substantially identical. In fact, the Examiner notes that "Olmstead et al. discloses that the focal length of the first lens will be longer than that of the second lens." *See* Office Action, pages 2-3. Lenses having different focal lengths are not substantially identical as required by the rejected claims. The present specification teaches that "The lenses 210 possess substantially identical optical properties (*e.g.*, focal length, principal plane, etc.)." (emphasis added). Consequently, for this additional reason claims 2, 9, 16, and 20 are not anticipated by Olmstead.

Therefore, applicants respectfully assert that claims 1-21 are patentably distinct from the cited reference, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

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Amdt. dated January 3, 2005
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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley L. Austin", written over a horizontal line.

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